IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Crl.MC.No. 427 of 2007()

C.C.NO.1207/2005 OF J.F.M.C.NO.III, PUNALUR

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PETITIONER/1ST ACCUSED:

CHACKO THOMAS, S/O.THOMAS,
MADOLLIL HOUSE, KOODAL MURI,
KOODAL VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.ANOOP MATHEW ABRAHAM
SRI.LATHEESH SEBASTIAN

RESPONDENTS/STATE & COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY
DIRECTOR GENERAL OF PROSECUTIONS,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
PATHANAPURAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI.S U NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.427 of 2007

Dated this the 20th day of February 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 420 I.P.C. Cognizance has been taken on the basis of the final report submitted by the police after investigation. A warrant of arrest has been issued against the petitioner. The petitioner has not appeared before the learned Magistrate. He filed an application for anticipatory bail which was dismissed by the learned Sessions Judge vide order, a copy of which is produced along with this petition.

2. The petitioner now wants to surrender before the learned Magistrate. He apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He has hence come to this court with the prayer that the direction under Section 482 Cr.P.C may be issued to the learned Magistrate to release the petitioner on bail when he appears and applies for bail.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the

circumstances under which he could not earlier appear before the learned Magistrate.

4. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1)KLT 339].

5. In the result, this Crl.M.C is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the learned Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006